11/12/19 26615:22-cv-05083DEPARTMENNUMERTORRECTIONAL SERVICES Page 1.0f. 40

HSC4784A HEALTH SERVICES SYSTEM REQUEST AND REPORT OF CONSULTATION DIN: 11A1352 DOB: 08/27/1982 NAME: GIRARD, CHAUNCEY CURRENT FAC: SOUTHPORT REFERRAL NUMBER: 15485061.01M REFERRING FAC : GRT MEAD GEN REFERRAL DATE : 11/17/15 08:56A TELEMED: N<N> REFERRAL TYPE : INITIAL TYPE OF SERVICE: PHYSICAL THERAPY REFERRAL STATUS: SEEN INTERPRETER: URGENCY OF CARE: ROUTINE TYPE: REASON CODE: EXP.DATE: MEDICAL HOLD: NO TRANSPORTATION: N WHEELCHAIR N NURSE N AMBULANCE N LITTER N SENSORIAL IMPAIRMENT: APPOINTMENT: 01/05/16 08:30A REFERRED BY: HOWARD SILVERBERG, MD REFERRED BY: HOWARD SILVERBERG, MD REVIEWED BY: HOWARD SILVERBERG, MD POS: GREAT MEADOW CF PROV: ABENES, NELSON-PTH REASON FOR CONSULTATION: N MAIL N FAX USER: 11/17/15 08:56A CO40HES ( IM WITH CHRONIC LEFT SHOULDER PAIN FROM BICEPS TENDONITIS. INTERFERING WIT ) ( H LIFTING, CARRYING, ADL'S. HAS NOT RESPONDED TO TIME, REST, NSAIDS. X-RA) ( YS HAVE BEEN NEGATIVE. REQUESTING EVALUATION AND TREATHENT. DECISION: APPROVED 11/17/15 USER: 11/17/15 12:31P OAPSDEJ DECISION COMMENTS: C APPROVE PTH INITIAL EVAL LEFT SHOULDER PAIN ( ACG: A-0528 (AC) POST-CLINIC: RECOMMENDED BY SPECIALIST: N FOLLOW-UP N PROCEDURE N NEW REFERRAL USER: 01/05/16 04:40P CO40REB POST-CLINIC COMMENTS: 

Case 7:20-cv-05883-CS Document 39-1 Filed 05/17/21 Page 2 of 40 11/12/19 14:15:23 NYS DEPARTMENT OF CORRECTIONAL SERVICES PAGE 1

. \*ADDITIONAL COMMENTS: 00

USER: 11/17/15 08:31A CO40HES

POST-CLINIC COMMENTS:

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HSC4783 HEALTH SERVICES SYSTEM REQUEST AND REPORT OF CONSULTATION NAME: GIRARD, CHAUNCEY DIN: 11A1352 DOB: 08/27/1982 CURRENT FAC: SOUTHPORT REFERRING FAC : GRT MEAD GEN REFERRAL NUMBER: 15462032.01 REFERRAL DATE : 11/02/15 01:45P TELEMED: N<N> REFERRAL TYPE : INITIAL TYPE OF SERVICE: PRIMARY CARE REFERRAL STATUS: \*CANCELED\* URGENCY OF CARE: ROUTINE INTERPRETER: MEDICAL HOLD: NO TYPE: REASON CODE: EXP.DATE: TRANSPORTATION: N WHEELCHAIR N NURSE N AMBULANCE N HCA LITTER N SENSORIAL IMPAIRMENT: REFERRED BY: MARY S. HARRIS, RN REVIEWED BY: HOWARD SILVERBERG, MD USER: 11/02/15 01:45P C040MSH REASON FOR CONSULTATION: N MAIL N FAX C CORRESPONDENCE SHOULDER BACK AND STOMACHE PAINS DECISION: A APPROVED 11/02/15 USER: 11/02/15 01:45P C040MSH DECISION COMMENTS: C C USER: 11/10/15 07:15P C040JMT CANCEL REASON: 09 ENTRY ERROR

11/12/19 14:15:25 Case 7:20-cy-05883-CS Document 39-1 Filed 05/17/21 Page 4 of 40 1

11/12/19 CASA 7:20-cv-05883-CS DEPARTMENT OF CORRECTIONAL SERVICES PAGE 40

HSC4784

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Case 7:20-cv-05883-CS Document 39-1 Filed 05/17/21 Page 6 of 40 4:15:39 NYS DEPARTMENT OF CORRECTIONAL SERVICES PAGE 1 11/12/19 14:15:39 HSC4783 HEALTH SERVICES SYSTEM REQUEST AND REPORT OF CONSULTATION NAME: GIRARD, CHAUNCEY DIN: 11A1352 DOB: 08/27/1982 **CURRENT FAC: SOUTHPORT** REFERRING FAC : CLINTON GEN REFERRAL NUMBER: 1515394
REFERRAL DATE : 04/13/15 09:20A TELEHED: N<N> REFERRAL TYPE : INITIAL REFERRAL NUMBER: 15153941.01 REFERRAL STATUS: \*CANCELED\* TYPE OF SERVICE: NURSE PRAC SERVICES URGENCY OF CARE: SOON INTERPRETER: MEDICAL HOLD: NO TYPE: REASON CODE: EXP.DATE: TRANSPORTATION: N WHEELCHAIR N NURSE N AMBULANCE N HCA LITTER N SENSORIAL IMPAIRMENT: REFERRED BY; RONALD DUHONT, RN REVIEWED BY: KATIE CALLEY, NP REASON FOR CONSULTATION: N MAIL N FAX USER: 04/13/15 09:20A C020RDD C CHRONIC LT SHOULDER AND BACK ISSUES STATES NO RELIEF FROM OTC C. DECISION: A APPROVED 04/13/15 USER: 04/13/15 09:20A C020RDD **DECISION COMMENTS:** C USER: 05/01/15 11:36A C040CTW CANCEL REASON: 01 NOT MED NEC

HEALTH SERVICES SYSTEM REQUEST AND REPORT OF CONSULTATION NAME: GIRARD, CHAUNCEY DIN: 11A1352 DOB: 08/27/1982 CURRENT FAC: SOUTHPORT REFERRING FAC : UPSTATE GEN REFERRAL NUMBER: 15118905.01 REFERRAL DATE : 03/20/15 09:30A TELEMED: YCY> REFERRAL TYPE : INITIAL TYPE OF SERVICE: PSYCHIATRY REFERRAL STATUS: \*CANCELED\* URGENCY OF CARE: ROUTINE INTERPRETER: MEDICAL HOLD: NO TYPE: REASON CODE: EXP.DATE: TRANSPORTATION: N WHEELCHAIR N NURSE N AMBULANCE N LITTER N HCA SENSORIAL IMPAIRMENT: REFERRED BY: OMH PSYCHIATRIST REVIEWED BY: OMH PSYCHIATRIST REASON FOR CONSULTATION: USER: 03/20/15 09:30A C840SLS N MAIL N FAX C HUNGER STRIKE EVALUATION • DECISION: A APPROVED 03/20/15 DECISION COMMENTS: USER: 03/20/15 09:30A C840SLS C · C • CANCEL REASON: D6 PROV REQUEST USER: 07/18/16 07:16A C040CTW

Case 7:20-cy-05883-CS Document 39-1 Filed 05/17/21 Page 7 of 40 NYS DEPARTMENT OF CORRECTIONAL SERVICES PAGE 1

HSC4783

CANCEL REASON: 06 PROV REQUEST USER: 07/18/16 07:16A C040CTW

|   | KLWOL       | ST AND REPO                             | KI OF COR.      | SOL (A) ION   |                            | • •        |
|---|-------------|---|-----------------|---|----------------------------|------------|
| IAME: GIRARD, CHA                               | UNCEY       | •                                       | DII             |   | OB: 08/27/1<br>AC: SOUTHPO |            |
| = :   |             |   | : N <n> REI</n> | FERRAL NUMBER:<br>FERRAL TYPE :<br>FERRAL STATUS:<br>FERPRETER: | INITIAL                    | í <b>1</b> |
| EDICAL HOLD: NO RANSPORTATION: ENSORIAL IMPAIRM | N WHEELCHAI |   |                 | P.DATE:<br>BULANCE N L  | ITTER N                    | HCA        |
| EFERRED BY: HARY<br>EVIEWED BY: HARY            |             |   | POS             | MENT: 02/17/1<br>: UPSTATE CF<br>/: PATTI ROBER                 |                            |            |
| EASON FOR CONSULT                               | TATION: N   | MAIL N FA                               | χ               | JSER: 02/17/15  | 10:25A C84                 | OPAI       |
| (<br>(<br>(                                     | · ,         |   |                 |   |                            |            |
|   |             | ======================================= |                 | ) CARRES = = = 202  | 12255 <u>2</u> 2222        | ===:       |
| OST-CLINIC:                                     |             |   |                 |   | **                         |            |

는 보고 도등등보는도를 통법적으고 주요한 다른 전략 전투로 포함으로 보고 보고 다른 부모는 등 보호보다 다른 전략으로 드리트를 보고 다른 등 등 모르는 등 드로드 드림프로 드리트

USER: 04/13/15 02:44P C020CAO

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CANCEL REASON: 99 TRANSFERRED

HEALTH SERVICES SYSTEM HSC4784 REQUEST AND REPORT OF CONSULTATION DIN: 11A1352 DOB: 08/27/1982 NAME: GIRARD, CHAUNCEY CURRENT FAC: SOUTHPORT REFERRING FAC : AUBURN GENER REFERRAL NUMBER: 15010914.01 REFERRAL DATE : 01/09/15 08:40A TELEMED: N<N> REFERRAL TYPE : INITIAL REFERRAL STATUS: SEEN TYPE OF SERVICE: NURSE PRAC SERVICES INTERPRETER: URGENCY OF CARE: SOON EXP.DATE: TYPE: REASON CODE: MEDICAL HOLD: NO AMBULANCE N LITTER N TRANSPORTATION: N WHEELCHAIR N NURSE N HCA SENSORIAL IMPAIRMENT: APPOINTMENT: 01/28/15 REFERRED BY: ANNETTE BOYD, RN POS: AUBURN CF REVIEWED BY: NANCY O'CONNOR-RYERSON, N PROV: NANCY O'CONNOR-RYERSON, 'N USER: 01/27/15 06:25A C010BLG REASON FOR CONSULTATION: N MAIL N FAX C F / U FROM INFO ( L SHOULDER & GI POST-CLINIC: RECOMMENDED BY SPECIALIST: N FOLLOW-UP N PROCEDURE N NEW REFERRAL USER: 06/03/15 09:04A C040FCM POST-CLINIC COMMENTS:

Case 7:20-cv-05883-CS Document 39-1 Filed 05/17/21 Page 11 of 40 4:15:45 NYS DEPARTMENT OF CORRECTIONAL SERVICES PAGE 1

11/12/19 14:15:45

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HSC4784 HEALTH SERVICES SYSTEM REQUEST AND REPORT OF CONSULTATION NAME: GIRARD, CHAUNCEY DIN: 11A1352 DOB: 08/27/1982 CURRENT FAC: SOUTHPORT REFERRAL NUMBER: 14584446.01 REFERRING FAC : AUBURN GENER REFERRAL DATE : 12/31/14 10:35A TELEMED: N<N> REFERRAL TYPE : INITIAL REFERRAL STATUS: SEEN TYPE OF SERVICE: X-RAY - OTHER INTERPRETER: URGENCY OF CARE: SOON MEDICAL HOLD: NO TYPE: REASON CODE: EXP.DATE: TRANSPORTATION: N WHEELCHAIR N NURSE N AMBULANCE N LITTER N SENSORIAL IMPAIRMENT: REFERRED BY: PANG L. KOOI MD APPOINTHENT: 12/31/14 08:45A REVIEWED BY: PANG L. KODI MD POS: AUBURN CF PROV: DEPT OF RADIOLOGY REASON FOR CONSULTATION: N MAIL N FAX USER: 12/31/14 10:35A COLOBLG ( CHEST, L/S SPINE, LEFT ELBOW POST-CLINIC: RECOMMENDED BY SPECIALIST: N FOLLOW-UP N PROCEDURE N NEW REFERRAL USER: 01/05/15 01:43P C010WCD POST-CLINIC COMMENTS: ( NO FX, DISLOCATION, OR ARTHRITIC CHANGE

Case 7:20-cv-05883-CS Document 39-1 Filed 05/17/21 Page 12 of 40

PAGE

3

NYS DEPARTMENT OF CORRECTIONAL SERVICES

11/12/19 14:15:46

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# STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION GREAT MEADOW CORRECTIONAL FACILITY INTERDEPARTMENTAL COMMUNICATION

| 10:           | DEPUTY OF SECURITY  |
|---------------|---|
| FROM:         | DR. H. SILVERBERG   |
| DATE:         | FEBRUARY 12, 2016   |
| SUBJECT:      | DIN#: 11A1352 INMATE: GIRARD CELL: B-4-18   |
| following sp  | The above mentioned inmate has been seen in the health unit and the ecial need/needs have been ordered.   |
|               | HE IS TO BE FED IN HIS CELL – effective until HE IS TO LOCK ON THE FLATS – effective until HE HAS BEEN ISSUED THE FOLLOWING TO BE effective until |
| <sup>21</sup> | BRACE: CANE CRUTCHES OTHER:   |
| . ————        | to be worn on , to be effective until   |
| <u> </u>      | HE HAS THE FOLLOWING RESTRICTIONS - effective until FEBRUARY 11, 2017 X NO LIFTING LEFT ARM ABOVE SHOULDER HEIGHT CLIMBING STAIRS                 |
| OTHER:        |   |
| HS/fcm        |   |
| Cc:           | GUIDANCE OFFICE INMATE B BLOCK OFFICER FILE   |

PROGRAM COMMITTEE

#### Case 7:20-cv-05883-CS Document 39-1 Filed 05/17/21 Page 14 of 40

# ALBANY MEDICAL CENTER

Albany Medical Center Hospital 43 New Scotland Avenue Albany, New York 12208 Phone: (518) 262-8440

Printed: 5/12/2015 6:42 AM

Patient Name:

GIRARDI1A1352, CHAUNCEY

DOB:

Accession No:

5310544

Med. Rec. No: Ordering Dr:

000000002362

08/27/1982

Patient Phone:

PISHER NESMITH, PA ()-

Sex:

Pt. Class:

Order No:

X 10000

Pt NS/Room:

Attending Dr:

FISHER NESMITH, PA

Visit Number:

000000002617

\*\*\*Final Report\*\*\*

DATE OF EXAM:

May 5 2015

RIBS, RIGHT (Acc#:5310544):

CLINICAL HISTORY: Right lower rib cage pain; evaluate for fracture.

RESULT:

Three views of the right ribs are provided. The upper right ribs are not completely included on this exam.

The visualized right ribs are normal in configuration and patterns of mineralization. The visualized right lung is grossly clear. There is no evidence of a right-sided pleural offusion. The visualized thoracic vertebrae are normal in configuration, patterns of mineralization and alignment. The intervertebral disc spaces are well maintained.

IMPRESSION:

There is no evidence of acute displaced linear fractures involving the visualized mid/lower right ribs.

Read by: MITCHEL CAMPITO MD Report reviewed by: MITCHEL CAMPITO MD

Report reviewed and signed by: MITCHEL CAMPITO MD Signed on: May [1 2015 5:47P

FISHER NESMITH PA **GREAT MEADOWS CF** 11739 ST RT 22 PO BOX 51 COMSTOCK NY 128210051 NO ACTION IS REQUIRED AT THIS TIME REPORT TO SICK CALL FOLLOW UP WILL BE ARRANGED WITH A PRIMARY PROVIDER

OLLOW UP WILL BE ARRANGED WITH A SPECIALIST NOTIFICATION FORM COMPLETED AND DISTRIBUTED

Transcriptionist; LIP On: May 11 2015 8:27A

1 of 1

05/11/2015 06:26am

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11A1355

# ALBANY MEDICAL CENTER

Albany Medical Center Hospital 43 New Scotland Avenue Albany, New York 12208 Phone: (518) 262-8440

Printed: 7/21/2016 7:32 AM

Patient Name:

GIRARD, CHAUNCEY

DOB: Accession No:

08/27/1982 5823993

Med. Rec. No:

000002667074

Ordering Dr: Patient Phone: HOWARD SILVERBERG, MD

(518) 639-5516

Sex:

Pt. Class: Order No:

Pt NS/Room: Attending Dr:

Visit Number:

M GARA DOWN 90004 OP MUL- HOWARD SILVERBERG, MD 000311459291

\*\*\*Final Report\*\*\*

DATE OF EXAM:

Jul 18 2016

MRI SHOULDBR-LEFT (Acc#:5823993):

RESULT:

CLINICAL HISTORY: Chronic posturaumatic shoulder

COMPARISON:

TECHNIQUE: Routine post arthrogram MRI left shoulder following injection of the left glenohumeral joint with the gadolinium to saline solution.

Acromioclavicular joint unremarkable. Anatomic variant of an os acromiale. Mild increased signal distal supraspinatus tendon compatible with mild tendinosis. Mild increased signal distal infraspinatus tendon with mild subcortical cystic change posterolateral humeral head compatible with mild tendinosis. Teres minor muscle and tendon intact. No fluid within the subacromial subdeltoid bursa.

Linear cleft of contrast at the base of the biceps labral complex compatible with an anatomic variant of a sublabral sulcus. There is underlying mild biceps labral complex degeneration. Long head biceps tenden intact within the rotator cuff interval and bicipital groove.

Subscapularis tendon intact. Posterior subluxation of the humeral head with respect to the glenoid fossa. Irregular high signal within the posterior glenoid labrum from the posterior inferior to the posterior superior quadrant

Anterior labrum IGHL intact. MOHL intact.

In the axial plane, mild posterior subluxation humeral head with respect to the glenold fossa. Linear high signal extending through the chandral labral junction of the posterior glenoid labrum from the posterior inferior to the posterior superior quadrant compatible with nondisplaced partially detached tear. Degenerative subchondral cyat formation posterior glenoid sim from the posterior inferior to the posterior superior quadrant. Imaging findings suggests posterior shoulder instability.

Articular cartilage glenohumeral joints preserved.

1.0 x 0.8 cm well-corticated ossicle in the subscapularis recess lateral to the base of the coracoid process compatible with an osteochondral loose body.

IMPRESSION:

Mild posterior subluxation humanal head with respect to the glenoid fosse. Numbisplaced partially detached tear posterior glenoid labrum from the posterior inferior to the posterior superior quadrant. Degenerative subchondral cysts

HOWARD SILVERBERG MD 318 BROADWAY

FORT EDWARD NY 12828

Transcriptionist: PSC On: Jul 19 2016 11:33A

1 of 2

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Page 01

**#**184

# ALBANY MEDICAL CENTER

Albuny Medical Center Hospital 43 New Scotland Avenue Albany, New York 12208 Phone: (518) 262-8440

Printed: 7/21/2016 7:32 AM

Patient Name:

GIRARD, CHAUNCEY

DOB:

08/27/1982

Accession No: Med. Rec. No:

5823993

Ordering Dr:

000002667074 HOWARD SILVERBERG, MD

Patient Phone:

(518) 639-5516

Sext

M

Pt. Class:

0

Order No:

90004

Pt NS/Room: Attending Dr:

OP MUC-

HOWARD SILVERBERG, MD

Visit Number:

000311459291

posterior inferior to the posterior superior glenoid rim. Correlate for posterior shoulder instability.

Anterior labrum IGHL intact.

Anatomic variant of a sublabral sulcus of the biceps labral complex with underlying mild biceps labral complex degeneration.

1.0 cm osteochondral loose bodies subscapularis recess, lateral to the base of the coracoid process.

Anatomic variant of an os acromiale with mild hypertrophic changes at the synchondrosis. This may indicate a symptomatic os acromials. Mild suprespinatus and infraspinatus tendinosis without rotator cuff tear.

Signed by Phuong Vinh, MD 7/19/2016 11:33 AM

Read by: PHUONG VINH MD Report reviewed by:

Report reviewed and signed by: PHUONG VINH MD Signed on: Jul 19 2016 11:33A

> NO ACTION IS REQUIRED AT THIS TIME . REPORT TO SICK CALL E**9**CLOW UP WILL BE ARRANGED WITH A PRIMARY **PROVIDE**R FOLLOW UP WILL BE ARRANGED WITH A SPECIALIST NOTIFICATION FORM COMPLETED AND DISTRIBUTED

> > Transcriptionist: PSC On: Jul 19 2016 11:33A

2 of 2

07/20/2016 09:01am

FORT EDWARD NY 12828

318 BROADWAY

HOWARD SILVERBERG MD

Page 02

**†91**#

Critaren

#### Mitchell Rubinovich, M.D. 107 E. Chestnut Street, Suite 106, Rome, NY 13440 PHONE: 315-338-9200 FAX: 315-338-9202

8/12/2016

Dr. Howard Silverberg
Great Meadow Correctional Facility
11739 State Route 22
P.O. Box 51
Comstock, New York 12821-0051

RE: Chauncy Girard DIN#: 11A1352

Dear Dr. Sliverberg:

Thanks for sending Chauncy back to see me today. He is a gentleman who had an injury when someone jumped on his shoulder while he was lying on the floor. This occurred a year ago. He has been left with pain and difficulty moving the shoulder since that time. We tried a course of physical therapy, but he was in too much pain to tolerate the physical therapy.

On exam right now, I can passively get him up to about 80 degrees of forward flexion, maybe 40 degrees of abduction. He has pain at the extreme of either of these movements. I cannot move the shoulder far enough to see whether or not he has instability. He has normal sensation.

He has had an MRI study which shows damage to the posterior labrum and some tendinosis.

To be honest, I am really not sure what is going on with his shoulder. I cannot put the whole picture together to come up with a firm diagnosis. I would suggest we get him to see either one of the sport med docs, or one of the shoulder specialists to review his MRI study, and see if they have any ideas about what should be done.

Sincerely,

Mitchell Rubinovich, M.D.

MR/dh

# **Progress Note -Single Detail**

#### 43 Central New York Psychiatric Center

Patient Name

GIRARD, CHAUNCEY

State ID: 3129843

Case Number: DOB:

279729 08/27/1982

Gender: Male

Admission Screening Date:

03/20/2015

DIN: 11-A-1352

Unit 716 Elmiracom Hisateline Univ. 1997

Note Unit:

715 Elmira OMH Satellite Unit

Entered By:

431501 Bautista, Fatima J

Date: 06/12/2019

Time

Description

Svc Unit

Duration

Note Code

9°58 am

715

Psychiatrist Note

Notes: PSYCHIATRIC PROGRESS NOTE (356 MED CNYPC)

MED 15 DIAGNOSES: (primary diagnosis should be listed first with a "P" notation)

Legislatric Diagnosis: Adjustment Disorders, Unspecified (P); ASPD Medical Diagnosis: GERD, right upper abdominal pain; NKDA

CHIEF COMPLAINT AND CURRENT ISSUES: (include complaints, preoccupations, worries, issues, etc.): Patient was seen at Elmira CF by VTC. Patient is not on psych meds. Hewas on keep lock for 23 days for unopened mail. Today he stated that his mood is "I feel all right". He denies any thoughts and plans to hurt self. He keeps busy by reading books. He keeps busy with reading nd music. He shared having pain and "hard to breath" on the right side. He was encouraged to see medical. He was informed the need to comply with group/ verbal therapy.

CHANGES IN MEDICAL STATUS: (include lab work, etc.): None

MENTAL STATUS EXAMINATION AND CHANGES: (include stable/not stable: response or lack of response to treatment, improving (not), de-compensating: Appropriately groomed; good eye contact; mood is neutral, affect is congruent with mood, full range, speech is coherent and logical, thought content clear, thought process organized and goal directed, he denies thoughts and plans to hurt self or others, memory and cognition- good, alert and oriented x3, impulse control -fair, insight and judgment -fair.

ESSMENT OF SUICIDE RISK: (Describe suicide risk warning signs /triggers (IS PATH WARM, Prison based, or Individual) which are present or indicate "none are present: No warning signs present. CSRA was reviewed. He denies any thoughts and plans to hurt self. He has not engaged in self-harm behaviors.

ASSESSMENT/CURRENT DIAGNOSTIC IMPRESSION/PLAN: (Include changes to diagnoses and/or treatment options. Indication for each psychiatric medication must be documented either here, below in the Medication Section or in the Physician Patient is presents with oppositional behavior that is not related to any form of depression or paranoid delusions. He has admitted in sessions with therapist that he problems with officers. Pt is showing stability without psych meds. Continue verbal therapy.

LIST OF ALL CURRENT PSYCHIATRIC AND MEDICAL MEDICATIONS: (include all current medications from transferring unit/facility including medical medications at the first visit after transfer. For subsequent notes, list all current psychiatric medications and any updates to medical medications. Include dose and frequency for each medication listed):

**Psychiatric Medications:** 

None

**Medical Medications:** 

None

Revisions or changes to medications. (Include dose, route, frequency and indications): See list MEDICATION EDUCATION PROVIDED (check when provided): No psych meds

User: Bautista, Fatima J

06/12/2019 11:33:18

OMH PHI

#### 

#### NYS Office Of Mental Health - MHARSII

#### **Progress Note -Single Detail**

43 Central New York Psychiatric Center

**Patient Name:** 

**GIRARD, CHAUNCEY** 

State ID: 3129843

Case Number:

279729

Gender: Male

DOB:

08/27/1982

Admission Screening Date:

03/20/2015

DIN:

11-A-1352

Unit: 715 Elmira OWH Satellite Unit

FOLLOW -UP: (indicate next appointment): 6 months

Staff: 431501 Bautista, Fatima J

Title: Psychiatrist 1 Date: 06/12/2019

Confirmed By: 431501 Bautista, Fatima J

6/12/19 11:33 am Date:

Title: Psychiatrist 1

Electronically Signed By: Bautista, Fatima J On 6/12/2019 11:33:14AN

## **Progress Note -Single Detail**

43 Central New York Psychiatric Center

Patient Name:

**GIRARD, CHAUNCEY** 

Case Number:

279729 08/27/1982

Admission Screening Date:

03/20/2015

State ID: 3129843

Gender: Male

DIN.

11-A-1352

Unit: 715 Elmira OMH Satellite Unit

Note Unit:

DOB:

715 Elmira OMH Satellite Unit

Entered By:

431501 Bautista, Fatima J

Date: 08/14/2019

Description

Svc Unit

Duration

Note Code

Time '9'54 am

Psychiatrist Note

Notes: PSYCHIATRIC PROGRESS NOTE (356 MED CNYPC)

MED 15 DIAGNOSES: (primary diagnosis should be listed first with a "P" notation)

Psychiatric Diagnosis: Adjustment Disorders, Unspecified (P); R/O PTSD; ASPD lical Diagnosis: GERD, right upper abdominal pain; NKDA

CHIEF COMPLAINT AND CURRENT ISSUES: (include complaints, preoccupations, worries, issues, etc.): Patient was seen at Elmira CF by VTC. Patient is not on psych meds. He stated he "feel like jittery and scared". He denies any thoughts and plans to huit self. Pt stated he feels this way when he sees officers and homosexuals. He stated in 2011 he was seen in county jail and reported that he was assaulted in 2009 "by a few people". Pt is guarded. His mood is "one minute good, another I feel scared'. He reports perceptual distortions "I hear voices, everyhting I'm thinking, I hear it". When asked if he hears his own voice, he answered "I hear thoughts of other people". Pt corresponds through mail with his aunt. His mother is deceased and he has no contact with his father. He keeps busy by sitting around and reading. He has no programs. Benefits and side effects of Remeron were discussed, he has shown understanding. He agreed to start, MA 

CHANGES IN MEDICAL STATUS: (include lab work, etc.): None

MENTAL STATUS EXAMINATION AND CHANGES: (include stable/not stable: response or lack of response to treatment, improving (not), de-compensating: Appropriately groomed; good eye contact; mood is anxious, affect is congruent with mood, affect is slightly guarded, speech is coherent, thought content has perceptual distortions; thought process goal directed, he denies thoughts and plans to hurt self or others, memory and cognition- good, alert and oriented x3, impulse control -fair, insight and ment - fair.

ASSESSMENT OF SUICIDE RISK: (Describe suicide risk warning signs /triggers (IS PATH WARM, Prison based, or Individual) which are present or indicate "none are present: No warning signs present. CSRA was reviewed. He denies any thoughts and plans to hurt self. He has not engaged in self-harm behaviors.

ASSESSMENT/CURRENT DIAGNOSTIC IMPRESSION/PLAN: (Include changes to diagnoses and/or treatment options. Indication for each psychiatric medication must be documented either here, below in the Medication Section or in the Physician: Patient is presents with oppositional behavior that is not related to any form of depression or paranoid delusions. He has admitted in sessions with therapist that he problems with officers. Pt is showing stability without psych meds. Continue verbal therapy.

LIST OF ALL CURRENT PSYCHIATRIC AND MEDICAL MEDICATIONS: (include all current medications from transferring unit/facility including medical medications at the first visit after transfer. For subsequent notes, list all current psychiatric medications and any updates to medical medications. Include dose and frequency for each medication listed):

Psychiatric Medications:

Remeron 15mg PO PM - anxiety

Medical Medications:

Üser: Bautista, Fatima J

08/14/2019 13:03:04

#### NYS Office Of Mental Health - MHARSII

#### **Progress Note -Single Detail**

#### 43 Central New York Psychiatric Center

**Patient Name:** 

**GIRARD, CHAUNCEY** 

State ID: 3129843

Case Number:

279729

Gender: Male

DOB:

08/27/1982

Admission Screening Date:

03/20/2015

DIN:

Unit: 715 Elmira OMH Satellite Unit

∵ 11-A-1352

None

Revisions or changes to medications. (Include dose, route, frequency and indications): See list

MEDICATION EDUCATION PROVIDED (check when provided): X

FOLLOW -UP: (indicate next appointment): 1 month

Staff: 431501 Bautista, Fatima J

Title:

Psychiatrist 1

Date: 08/14/2019

Confirmed By: 431501 Bautista, Fatima J

Date: 8/14/19 1:02 pm

Title: Psychiatrist 1

Electronically Signed By: Bautista, Fatima J On 8/14/2019 1:02:56PM

| Name: Girard, Chauncey  | C#; 279729   |  | DIN #: 11a1352                                  |
|---|--|--|---|
| 107 MED CNYPC 06/15   | ОМН-РНІ  |  |   |
| LONG TERM KEEP LOCK (LTKL)  MENTAL HEALTH INTERVIEW   | ON STAFF 106.10 DI   | reen Haven SHU/LT<br>HU/LTKL:7/31/2018<br>Correctional Facility<br>Pending<br>104.11 VIOLENT C<br>RECT ORDER | CONDUCT 100.11 ASSAULT                          |
| Inmate/patient evaluated in: 🛭 SHU/SHU 200 🔲 LTKL   | Other:   | valuation: L_I Intake  | : ☐ 14 day ☑ 30 day ☐ 90 day                    |
| On OMH Active Caseload at time of SHU/LTKL Placement Yes  Referral Received: Yes No   | □ No<br>Private Interview (check   | applicable).   | · .   |
| Include reason for referral ( If applicable):   | Inmate/ patient: Ut<br>Reason for refusal ( If a   | ilized private intervio  | ew Refused private interview                    |
|   | TO A WEIGHT AND THE  | T  |   |
| Appropriate Grooming: Good Hygiene: Alert: Friendly: Cooperative Spontaneous: Guarded: Other (Abnormalities of behavior/movement):  Inmate/Patient reported having no problems and no interest in speaking with mental health staff at this time. | Orientation: Time: Place: Person: Inmate/Patient de indication of diso  Attention and Memo Concentration: Recent Memory: Remote Memory: Inmate/Patient dec   | ry Impairment:  None Mi  | stions for interview – no overt                 |
| Mood  None Mild Moderate Severe  Depression:  | English Fluency: Gelerimary Language: English Fluency: Gelerimary Language: English Fluency: Gelerimary Language: English Fluency: English Flu | es No Clear Mute Relev Produ   |   |
| Blunted/Constricted  Expansive  Labile  Flat  Inmate/Patient declined to answer questions for interview – no overt indication of emotional distress noted.  | Rhythm: Appropriate  | Halting/Broke  | gh □<br>n<br>eech available to clinician due to |

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| Name: Girard, Chauncey  |   | · <u> </u>  | C#: 279729   | D  | IN #: 11a1352   |
|---|---|---|--|--|---|
| Carlos And  |   | raeacy surfer, Mana   | ad Bookhij Janoon (og je jeudud  | was.   |   |
| Thought Disorganized: Irrational: Illogical: Loose Associations: Ideas of Reference:  | Yes   | No<br>M<br>M<br>M<br>M  | Suicide/Homicide  No Thoughts or intent of suicide Reports recent/current thoughts of Reports current intent of suicide No thoughts or intent of harming Reports recent/current thoughts of Reports current intent of harming  | of suicide/self<br>or self harm<br>others<br>of harming ot   |   |
| Ideas of Influence: Thought Blocking:  Unable to assess – limiclinician due to inmate/patiovert indication of thought   | ent declin  | ⊠<br>⊠<br>⊠<br>e of speech available to<br>ing to be interviewed – no | ☐ Inmate/Patient declined to answer que documented below based on available information of the Prison-Specific Risk Factors: ☐ Harassment/Threats ☐ F ☐ Overwhelmed ☐ L ☐ Transfer/Fear of Transfer ☐ G  | estions for inter<br>formation,<br>family Estrange<br>coss/Rejection   | ement Court Outcome   |
| Perception Auditory Hallucinations: Other Hallucinations: (Specify) Inmate/Patient declined no overt indication of perce                                      | Yes  The second of the second | No  | Substance Abuse Abuse A  | ng signs below) urposeless unxiety rapped lopeless o RCTP 3 tim dmitted to RC  | Withdrawal Anger Reckless Mood Changes in a two week period in  |
| Psychiatric History   |   |   | CF RCTP as a 4301 from Green Have harm following a use of force. He reexception of today's interview 8/8/11 assaulted and sexually assaulted at Greported this to the Sergeant, and du "I'll kill myself before I go to SHU if that Green Haven CF is Patient's per transferred to a RCTP bed there. Pat myself or make them kill me." Team with the transfer. Patient adamantly before he complied and was d/c to G 08/08/2018 08/10/2018CNET notes in March 2015. While housed in R behavior via reportedly biting his left has two scabbed over marks on his addes not want to return to Green Haven violent crime, current sanctions, and factors at this time. Pt reports he was contact from father. Pt reports he has children, ages 11,10 and 9.  UPDATE GHCF 5/15/2018  Patient reports that his aunt and sister cannabis use at age 11 and alcohol us used these substances about every of Acres rehab at age 17, and received of 2006 while incarcerated at Cape Vincomonitoring. Any disturbance in behavior in the substances in behavior in the substances in behavior in the substance in the substance in behavior in the substance in the subst | ven CF on 7/3 fused all priv 8: Mr. Girard Green Haven G ring that inter for something rmanent facili ient reports " encourages I refused and w H SHU. Gre one prior att CTP, pt. eng t arm on 8/6/ rm. He report ven CF. House ASPD persor raised by his a total of 15 r are supporti se since age 1 her day. He re outpatient sub cent. Pt is stab | 31/18 after threats of self- rate interviews with the reports that he was CF. Patient states that he rview is when Patient stated J. I didn't do." It is explained ity, and he will be I am not going there. I'll kill Patient to willingly comply vas held two more days en Haven Observation Cell empt to hang in upstated CF gaged in self-injurious 18 while in RCTP. Patient is he did this because he ed in SHU, single cell, nality traits, are noted risk mother, with occasional siblings. Pt also has three  ive.Records report pt started 5. Pt reports by age 17 he eports he attended Arms estance use treatment in ole, but is in need of |
| History of outpatient treatme<br>Dates of most recent treatme<br>special program while incarc<br>eports he was diagnosed with<br>specify where this diagnosis | nt: Pt. has<br>erated.At<br>th PTSD in  | 1/14/15 screening pt<br>1 2010 or 2011 but did not                    | Insight/Judgment Insight: Understanding of current circumstance Judgment:  | lacktriangle   | ood Poor  |

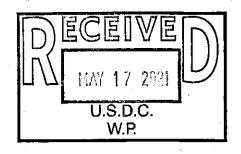
OMH-PHI

| Name: Girard, Chauncey   | C#: 279729                               | DIN #: 11a1352           |  |  |  |  |
|--|--|--------------------------|--|--|--|--|
|  |  | <del></del>              |  |  |  |  |
| scared of CO's and that he was "beat up". Pt did not provide any further information about this.  UPDATE GHCF 5/15/2018  Patient is currently a MH level 4, with a diagnosis of adjustment disorder unspecified.  History of Inpatient treatment: Yes No Dates of most recent treatment: Pt has no history of psychiatric hospitalizations. Pt denied a history of mental health services at reception. Pt. was admitted to RCTP 3 times in a two week period in 2015 at Clinton and most recently admitted to RCTP 7/3 1/18 when he was admited to GH SHU for staff assault. Mr. Girard was admitted to Downstate CF RCTP as a 4301 from Green Haven CF on 7/31/18 after threats of self-harm following a use of force. He refused all private interviews with the exception of today's interview 8/8/18: Mr. Girard reports that he was assaulted and sexually assaulted at Green Haven CF. Patient states that he reported this to the Sergeant, and during that interview is when Patient stated "I'll kill myself before I go to SHU for something I didn't do." It is explained that Green Haven CF is Patient's permanent facility, and he will be transferred to a RCTP bed there. Patient reports "I am not going there. I'll kill myself or make them kill me." Team encourages Patient to willingly comply with the transfer. Patient adamantly refused and was held two more days before he complied and was d/c to GH SHU. Green Haven Observation Cell 08/08/2018 08/10/2018 | nate/Patient declined to answer question | s for interview.         |  |  |  |  |
| Inmate/Patient participation in evaluation process (check applicable):  ☐ Inmate/Patient cooperated with evaluation ☐ Inmate/Patient did not cooperate fully with evaluation — available infor indication mental health issues or need for increased re-evaluation sched   |  | observations provided no |  |  |  |  |
| Disposition:  ☐ No indication for active mental health services ☐ Active screening to further assess need for mental health services ☐ Admit to mental health services. Patient informed of Patient Rights at ☐ Continue on active status  | d Responsibilities on date               |                          |  |  |  |  |
|  |  |                          |  |  |  |  |
| Recommendations: Complete if admitted to services. Include initial treatment recommendations and admitting diagnosis.  |  |                          |  |  |  |  |
| Signature: Odan Boy Low Title: S'  | VII D                                    | Pate: 9/19/2018          |  |  |  |  |

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| MED CNYPC 360                | /15)  |       |
|------------------------------|---|-------|
| PSYCH<br>RCTP OB             | Patient's Name: Girard, Chauncey C#: 279729 DIN: 11A1352 Date of Birth: 08/27/82 Unit Name: 717 Date of Admission/Transfer to RCTP: 10/28/18  |       |
| Date &Time: 10/29/18 11:20am | Interview conducted in a confidential interview room:   YES NO  If No, document reason: Overflow  |       |
|                              | REASON FOR ADMISSION: Patient was admitted to RCTP after endorsing issues with security and anxiety as a result.  SESSION CONTENT: Patient was seen by RCTP treatment team today. He was smiling when team arrived, "I want to get out of here. I never for a disposition from being in SHU. I put in a FOIL request. I just didn't feel safe up there over the weekend." He further explained he was referring to safety from officers because he was previously assaulted according to him. He reports today that he feels safe. He has spoken to the sergeant and captain who has reassured him they will get him the information he is looking for and he is satisfied with this. Patient reports adequate sleep and appetite. He denies thoughts of harm toward self or others. He is stable and being discharged to SHU where he will continue follow up with OMH.  RELEVANT MEDICAL ISSUES: DOCCS  MENTAL STATUS:  Appearance: Appropriate for setting.  Behavior: Calm.  Speech: Normal rate, rhythm, tone and volume.  Eye Contact: Good.  Impulse: Fair.  Attitude: Cooperative.  Mood: Euthymic.  Affect: Congruent.  Thought Process: Clear, Coherent and Goal-directed.  Perceptions: None reported or observed.  Delusions: None.  Sensorium: Alert.  Insight/Judgment: Fair.  Intellectual/Cognitive Functioning: Average.  SUICIDE RISK ASSESSMENT:  1) Are there any changes in acute or chronic risk factors or protective factors noted on the CSRA?    YES   NO   |       |
|                              | Gang Related Fears Sanctions/SHU/LTKL  Warning Signs of Imminent Suicide Risk (IS PATH WARM):  Warning signs are not present.  Warning signs are present (list warning signs below):  □ Ideation □ Anxiety □ Anxiety □ Substance Abuse □ Trapped □ Mantieth Figure Law, Section 33.16. Central New York Psyconal Control New York Psycona | k Ska |

| PSYCI<br>RCTP OF       | TRAL NEW YORK HIATRIC CENTER BSERVATION/DORM L PROGRESS NOTE  | Patient's Name: C#: 279729 DIN: 11A1352 Date of Birth: 08/2 Unit Name: 717 Date of Admission/I   | Girard, Chauncey<br>7/82<br>Transfer to RCTP: 10/ | <b>/28/18</b>                          |  |  |  |
|------------------------|---|--|---|--|--|--|--|
| ts                     | Purposeless Hopeless Reckless Mood Change   |  |   |  |  |  |  |
| Date & Time:<br>Error! | Additional Info:  |  |   | ,                                      |  |  |  |
| Reference              |   |  |   |  |  |  |  |
| source not             | DIAGNOSIS: (Indicate Pri  | mary Diagnosis with a "  | P")   |  |  |  |  |
| found.<br>Error!       | 1   | ustment Disorder, Unspe  | •   | ,                                      |  |  |  |
| Reference              |   | actions Discretely Chapt   |   |  |  |  |  |
| source not             | RCTP-SPECIFIC TREATM  | MENT PLAN: (To be use  | ed while in the RCTP Area                         | a during this stay ONLY)               |  |  |  |
| found.                 | <u>'</u>  | sed after first clinical vi  |   | • ,                                    |  |  |  |
|                        |   |  | ;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;            |  |  |  |  |
|                        | PLAN: Patient is being disch  | narged and will continue for   | ollow up with OMH.                                |  |  |  |  |
|                        |   | rall-  | · · · · · · · · · · · · · · · · · · ·             |  |  |  |  |
|                        | STAFF SIGNATURE: Colleen P. K. Gleason TITLE: Psychologist II DATE: 10/29/18  |  |   |  |  |  |  |
|                        | PSYCHIATRIC ADVANCE DIRECTIVE:  |  |   |  |  |  |  |
|                        | Is the inmate-patient Seriously Mentally III? YES NO (If "Yes", complete this section. If "No", this section is not applicable and should not be completed.)  |  |   |  |  |  |  |
|                        | Unable to discuss due to  | current mental status (chec  | k if applicable).                                 |  |  |  |  |
|                        | 1.) Does the inmate-patient have a Psychiatric Advance Directive?  a.) If "Yes", has the Advance Directive been reviewed with the patient?  b.) If "No", does the patient want to develop an Advance Directive?  Yes No  No |  |   |  |  |  |  |
|                        | 2.) If 1b) is "Yes": Psychiatric Advance Directive MED CNY 22 (11/12) completed on (date).  |  |   |  |  |  |  |
|                        | Comments:   |  |   | · ·                                    |  |  |  |
|                        | **FOR USE ONLY WHEN AN INACTIVE PATIENT IS ADMITTED TO THE RCTP**   |  |   |  |  |  |  |
| ,                      | PSYCHIATRIC HISTORY<br>MHARS Portal, PSYCKES, Suici   |  |   | community and in jail/prison),         |  |  |  |
|                        | DISPOSITION:  No indication for active mental health services   |  |   |  |  |  |  |
|                        | Active Screen for   |  | CTP DAILY NOTE (MED CNY                           | 361) if still in RCTP for next visit.) |  |  |  |
|                        | MENTAL HEALTH LEVE  | the state of the s |   |  |  |  |  |
|                        | PATIENT NOTIFIED OF R   |  | SIBILITIES ON:                                    | (date)                                 |  |  |  |
| i                      |   |  |   |  |  |  |  |
|                        |   |  | . • · · · · · · · · · · · · · · · · · ·           |  |  |  |  |
| · ·                    | · ·   |  |   |  |  |  |  |



Declairations By Hanely , Jamie Bowman , David Mead who were victums of Excessive Force and Deliberate Indifference while in S.H.U.

Sworn to before me this

Day of May, 2021.

Deborah A. Gumbus
Reg. No. 01GU6304688

Qualified in Franklin County Commission Expires June 2, 2022

Respectfully Submitted,

Notary Public

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NC

| OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMONT 1991 ENVIO<br>GREEN HAVEN CORRECTIONAL FACILITY |  |
|---|--|
| OTICE OF ASSISTANCE - ASSISTANT FORM - PAGE 2   |  |
|   |  |

| MOLICE OF MOCION ASSISTANCE   |
|---|
| INMATE: GIRARd, C NUMBER: 1/A1352 CELL: Shu-2   |
| TO BE COMPLETED BY ASSISTANT:   |
| I INITIALLY MET WITH THIS INMATE ON 8/13/18 AT (TIME)   |
| HE HAS REQUESTED THE FOLLOWING INMATES AS POTENTIAL WITNESSES:  |
| NAME:  HARRIS P. 95A 4995 G 6-343 YES - WO  |
| Jacque, K 18B 1450 96-344 YES V NO.   |
| Mc Hell A 16A5172 G6-350 YES NO X   |
| BROOKS R 158 3011 G5-244  E11 S 1 D THE FOLLOWING OTHER PERSONS AS POTENTIAL WITNESSES:  WE HAS REQUESTED THE FOLLOWING OTHER PERSONS AS POTENTIAL WITNESSES: |
| Meyers, D 1240706 40 357 Y 1 N<br>Louder, J 17B 3288 A6-357 Y 1   |
| Cot Elmor   |
| OTHER REQUESTS:  ORDERED 8/4/18   |
| CAMERA Footage Shu 1924 191 u/mic, 18:15-12:20 1914 192 > Request   |
| CO Roman pictures of injury Camera Footage Shuelevator w/mic - 12:15 Camera 33 > Request  |
| CAMERO Footage Bling 2 hallway - NO CAMERO 12:45 CAMERO 161/R   |
| All mury reports pertaing to this incident - UI (put)   |
| Will hand deliver to GIRARD WI afor Racely  |
| TO BE COMPLETED AT CONCLUSION OF ASSISTANCE:  I HAVE INTERVIEWED WITNESSES, ASSISTED AS REQUIRED AND REPORTED TO THE INMATE CHARGED.                          |
| ASSISTANCE'S SIGNATURE: MADILE DO DATE: 8/9/17 TIME: 1200   |
| INMATE'S SIGNATURE: DATE: TIME:   |

- Personally Sworn Affidavit-

Josh Louder Green Haven C.F. P.O. Box 4000 Stormville New York 12582

U.S. Court for the Southern district of New York Daniel Patrick Moynihan U.S Courthouse, 500 Peal St, N.Y.C. 10007-1312

Date:

I Josh Louder 17 5328 Under Penalties of Perjury CPLR 2106 makes this Sworn Affidavit Under Personal Knowledge and everything that is said in this Affidavit is accurate and here as followed:

- 1). Since my arrival at Green Haven G-6-347 on Febuary 12th-2018 and after Mr Girard 11-A-1352 would always Complain about his stomach pains, he showed me Grievances of his (Dr) Korobkova of her being Deliberatly Indifferent to his medical Injury's and everyday he would put down for sick Call and sometimes would not get called.
- 2). On febuary 24th 2018 he showed me a tissue full of blood that he spit upand said he could not breath he was also rushed to the Infirmary by strecher emergency sick call on the 26th of Febuary 2018 Girard came back from the hospitol and said the doctor did not do anything and did not even see him but signed him out with no treatment.
- 3). Mr. Girard has been Complaining about his stomach back, and his left shoulder in which he has had surjury on and has not recived Medical treatment he showed me a letter to the nurse administrator (Dr) Bentivegna and the response of (Dr) being Deliberate Indifferent.
- 4). He has also showed me letters to the Superintendent Griffen and acting and Dep.Collao as well in which he never recived a response and he has even stoped these very same people and Personally told them his problem and they failed to adress his medical problem or help.

This Affidavit is made by my own Choice and not by threat, or promise of any kind it is by my own will to give testimony. I am willing to testify on behalf of Mr. Girard to this Affidavit and the truth of facts that Occurred on the Days of Febuary 24 2018 and 26th of Febuary 2018 before and after.

SWORN TO BEFORE ME THIS

19"DAY OF MOUNCH, 2018

Notary

Public

CHRISTINA M PETERSON NOTARY PUBLIC-STATE OF NEW YORK

No. 01PE6347329 Qualified in Dutchess County My Commission Expires 08-29-2020 Respectfully Submitted,

Jōshua Louder

17-B-3288

- Personally Sworn Affichant

HilbERT Stauley.

CIREEN HOVEN C.F

DO BUX HOVO

STORMVILLE, NEW YORK
10582

U.S COURT for the Southers District of NEW york Down paleick Moyohow U.S Coverthouse 500 pears stored NEW York City 10007-1312

Court of claims state of New york of 2Mpine state place po Box 7344 Capital Stations Albany, NY 12224

Date:

I H. Stonley # 08A35712 budge penalties of perjuey CPIR 21ble makes this Swarn Afficient, is true and Decueate as followed:

1). I lock in SHU 2 company 2 gallows 21 CBIL and onl 7/18/19 al was assaulted by Stuff here at Cheen Haven. I have sustained major injurys of lacerations that required others to my Right Egebow due to me being handlenged behind my back and future assaulted and Sodomized while in handlengted. I was sexually assaulted by C.O Hulsaie who also participated in the assaulted while I was handlengted. This intension was unwanted and caused these individuals to place talse charges of violate conclust, possault on staff, regusing a direct order. This is a violation of my little and 8th amendment rights,

2.2 ON 7/31/18 I HEARD CORRECTIONS OFFICERS BRING MR. GIRORD IN which he stated he had lacerations in his left and eight eye source he also received structes in which was also by assault from officers of gezent thoun C.F (C.O) Polito, (Sqt) Brook, (C.O) Rius in which he was handcuffed they also maced him while beating him he wan 51:11 has the stitenes in his head, Eve brow. He has a hadd time becathing and working, they also put fate, folse Charges ON him to cover up the assault

This affidavit is made by my own choice and not by threat or promise of anythird it is of my own will to give testimoney. From willing to Testify one British of me cricard to this Affidavit and the tenth of Facts that accurred on 7-31-18 assault from staff

I work to be fore me this

Day of

10/8

NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01KU6357068
Ovalified in Warran County

RESPECTANTON Dubmitted

Qualified in Warren County Commission Expires April 10, 2021

No fary public

ianie Bowman 11A1833 SREEN HAVEN C.F. 10. Box-4000 Stormville NY 12582

JUE-8-13-18

US COURT FOR THE SOUTHERD DISTRICT OF JEW. YORK DANIEL PATRICK MOYNIHUS COURT HOUSE 500 PEARLST NYC 10007 - 1312

COURT OF CLAIMS ROBERT.

PORK EMPIRE STATE OF NEW

PORK EMPIRE STATE PLAZE |

P.O BOX- 7344 CAPITOT STATION

Albant NEW YORK 12724

- Janie Bowmand 1121833 while PENAITIES & Perjury unlike Personal -PLR 2106 mayes this sword AFFI day it unlike Personal indultable and Everything that is said in this AFFI day it is TRUE and ACCURATE AS FOLLOWED.

" I Lock id SHU 2-23 CELL ON 7-31-18 I WAS ASSAULTED BY IND I SUSTAINED INJURY OF A BUSTED NOSE, RIBS & RIGHT PAGE CHEST IS INJURY'S MY LEFT KNEE & LEFT EIDON WAS INJURY AS NELL JAS A RECENT DROP ATION. THEY ALSO PUT FAKE CHARGES & ASSAULT ON SHAFF.

3) ON 7-31-2018 MR. GRARD WOULD BE ASSAULTED THE SAME WAS JUST HE WOULD SUSTAIN LACERATION ON DOTH SIDES ON HIS EST ETE BROW AND AND AN WELL RIGHT ETE BROW IN Which HE HAS EST ETE BROW AND AND AN WELL RIGHT END BRUISED AS WELL AS CUT TO HIS WRIST FROM BEING IN HAND CUT AND BLUEDD BY MACE AN TURTHER BENT. DUE TO WHICH HE PUT IN FOR A EMERGENCY SICK-CALL FOR A ON GOING STOMACH ENDURY HE, ATSO STILL HAVE THE STITCHES INSIDE HIS EYE STILL TO THIS DAY WHICH CAUSE PERMIGHD SHAPES HE LOCK IN Z-Z5 SHU TIME! ALSO PUT (AXE CHARGE OF ASSAULTO SHAPE AND VIDENT CONDUCT AND DIRECT OWNER BY CO POLITO.

THIS APPIDAVIT IS MADE BY MY OWN CHOICE AND NOT BY
THREAT OR PROMISE OF ANY KIND IT IS OF MY OWN WILL TO GIVE

THIS AFFICIANT IS MADE BY MY OWN CHOICE AND NOT BY
THREAT OR PROMISE of ANY KIND IT IS, OF MY OWN WILL TO GIVE
TESTI MONT, AND IT AM WITHING TO TESTIFY ON DEHALF OF MR GIRARD
TO THIS AFFICIANT AND THE TRUTH OF FACTS THAT OCCURED OF—
TSSAULT FROM STAFF ON 7-31-18

SWORD to before me mis

RESpectfolly submit

★ No. 01MC6324976 Exp. 05/19/2019 Jun Bowen

13 July St. May 13 July St. May 13 July St. May 15 July St. Ma

Jame Booman Mars33 Sword
Green Haven C. F.
P.O. Box - 4000
Stormville N. 1 12582

DAG-8-15-18

JAME BOWMAN MAISS UNDER PERTURY
UNDER CPLR 2106 JMAYES MIS SCOREN

Affidavit Under Personal Knowledge Excepting
MAN 15 SAID IN MIS Affidavit 15 YOUE E ACCURATE

AS FOLLOWED.

BLOT HAVING A LOOD CONVERSATION IN WHICH SET BLOT STATED WHY DID you do some to me, why did you do some to me, why did you be me up in Hand - cults? MR. GREARD said set BLOT ALLED YOU DON'T INKE STORE SAID SET BLOT IN FOOT IN FOOT IN FOOT IN PROMISE OR THROUGH A STATED YOUR SET IN ONLY AND SOME DY MY could chance e with PROMISE OR THROUGH EX AM WITHING TO give Lestimony and lesting on better of mr Greard which happend on 8-15-16 of many of the set of the set

Sword to before me This

DI DAY OF AUGUST NOTALY PAVIC

ALEXANDRA Y KUINLAN
NOTARY PUBLIC, STATE OR NEW YORK
Registration No. 01 K 103 3 1068
Qualified in Warren County
Commission Expires April 10, 2021

9-17-18

David Head Green Haven CF Robox Your Storm Ville WY 12582

I David Mead under penalty of perviny CPLR 2106 under Personal knowledge would give this affident and all that is said in this affiduret is true and accorate as followed:

on 9-17-2018. I observed (564) Kats and (co) colombo try and make 228 Girad to cuffs behind his Dauk to go to a hospital call-out in wich they liked and Stated that their is no wast chains to transport you mr aired stated that he has Injurys From a prison assult on 7-31-18 of being assaulted in handcuff's behind the back and being hundcuffed behind his back would only aggeriate his injuries.

Pronise of any kind and I am willing to testing on behalf of Mr Grad as to the 9-17-18 attented associal and med indifference.

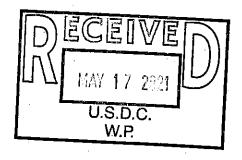
Sworn to befor me thes

September 2018 \* No. 01MC6324978 \* Degree Pedevely Submetted

No. 01MC6324978 \* Degree Pedevely Submetted

Exp. 05/18/2019 (2) 07 mm

Notice of New York Country o



All Grievances Including The Grievance Prea to C.O.R.C

Sworn to before me this

Day of May, 2021.

Respectfully Submitted,

Deborah A. Gumbus Reg. No. 01GU6304688
Qualified in Franklin County
Commission Expires June 2, 2022

Chauncey Giaid 11A1352 2-25 SHU Green Haven C.F. PO Box 4000 RECEIVE Stormythe New York 12582 SEP 142018 PLSNY-ALBANY Date: 8-10-2018 Assault and Bathery I GRC-Retalatan Sexual assualt I pu the above day and Dates that follow at G-348 On the date of 7-31-2018 Am shift I put down for Foregency Sich Call Due to a already Documented Stomach Fryory that enables me to breath Normally (Pa) Tomas was the Correction Officer who took the Energody sick Call Step Black women 15 minutes later (SPF) Elmore accompanyed by another (so) Polito whiteman fat with Black hair told me at G63: to turn around so he could hard wiff me, I told him I have limit rotutor in my left shoulder but compled anjurys upon being hade u Coming out of Glo 348 to go to seek Call the white (co) Fet put me on the well grabed me by my nech and pushed my head on the Cell and be gato Crope not while he waknoed to pat frell me he put his head inside my punto ad grubed my genetals and said ruce, I tryed to more any but he put his weight from his budy on me and I asked (Sbt). El nova Black with Cornvolls, to the back light skin brown Expos

for her CSGH) Elmore's name and Said you just. ganna Stand there and be deliberate Intelligent to what just hoppind the just gave me her name Upon going off of le Compay in which 347 Joshua bouder sow the robuste medicat to will kept myself Composed because I vet in alot of pein Going down the stevs to the second company I stated I was going to write It up the white (co) the fat one polled his per and tryed to punch me is my tace while is how coffed from the beat I tryed to ma away from two practic so best as Leveld to the second company teir 5 years so who Could see I new then but by anther while sking (Col man other than the let one (Rios) pat my face 2 and three fines. In getting hit on both sides then I stocked to run and they pays me with mice both of then withrued to beef me in hand of OGA) Elmore she did nothing to ship (SCA) Blot AKA Glock come to the Traidest what a centre and began beatagas from 2 Campay to the First Compay down in trant of G Block (S6+) Glock orded the fat white (Ca) Polito to dozop me on my tace with nece in my eyes hortcoffed from the buck in which bished my eye whide open left side at ker I shock Screening he three Officers (56+) Glock and two white (Co) Continued to best me when I stopped screen they grated me and possed me dans the hellow of & Block.
Open the way your to Stell

Correre Continued 7-31-2018 of buildry 2 and E block helling and (S(+) (Hockprehod me n'my right eye and split It while open Blood evoywhere they Bry me to ShU where I was good Set Mc Way and hoter get a the Shover prepares we taken and I must to the tetrony they put give in my left 9242 Learning to head for lawshir in which const serving Bruses all our my loudy 8th Handment violatio carhumana Coul and brusal pricish mut Pelotohin 1st Amendment violations and Rection to Rocked Delibrate Fidillocat and they Pot Felle Changes on me Dre to the fact that Meliceton world go to medicate aftering had ceff and que couse to show Retatable to pendy 1489 Regulton # 3 I went to know the Names of Get Cololer hirand String Co) white who can up the shir's to help the lat while (Co) with black heir to be held accompable for Sexual and physical essents that happend on 7-31-201. (Stot) Clock (BCot), Assult and Bathey and SGF Elmore. Tachre to potect Delibrate Indellere, I next this gravace la be processed as hor as possible by of thoway con convex bought to when had all body can - Fed of Grande -



ANDREW M. CUOMO Governor ANTHONY J. ANNUCCI Acting Commissioner

#### **MEMORANDUM**

From:

Shelley Mallozzi, Director, Inmate Grievance Program

SUBJ:

Receipt of Appeal

Date:

6/1/2020

C GIRARD 11A1352 Green Haven Correctional Facility Your grievance GH-90072-18 entitled Harassment/Assault was rec'd by CORC on 5/7/2019

A disposition will be sent to you after the grievance is reviewed by CORC

FIRARD Desig/Code Grievance Number 08/14/18 1/49 GH-90072-18 Corrections and Hearing Date Community Supervision Associated Cases 09/10/20 ANTHONY J. ANNUCCI ANDREW M. CUOMO Acting Commissioner Green Haven Correctional Facility. Governor Title of Grievance INMATE GRIEVANCE PROGRAM Harassment/Assault CENTRAL OFFICE REVIEW COMMITTEE

#### **GRIEVANT'S REQUEST UNANIMOUSLY DENIED**

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby denied.

CORC notes that the grievant was involved in an appropriately documented Unusual Incident (UI) and Use of Force (UOF) on 7/31/18 after he assaulted staff. He was decontaminated following the use of chemical agents and security medical staff for lacerations to his eyebrows and a scrape to his knee. CORC further notes that the UI/UOF was investigated by the Office of Special Investigations and the investigation was closed as unsubstantiated. CORC advises him to address security concerns to area supervisory staff, at that time, for the most expeditious means of resolution. It is noted that his allegations of sexual assault have been reported in accordance with the Department's PREA quidelines.

CORC notes that the grievance program is not intended to support an adversary process and that no reprisals of any kind shall be taken against an incarcerated individual or employee for good faith utilization of this grievance procedure. An incarcerated individual may pursue a complaint that a reprisal occurred through the grievance mechanism.

CORC notes that the grievant was issued a Tier III misbehavior report for his actions on 7/31/18, which was upheld upon appeal by the Office of Special Housing/Inmate Discipline on 11/28/18. CORC asserts that there is no provision in Directive #4040 for the grievance program to be used as an additional or secondary appeal mechanism for a misbehavior report. CORC advises the grievant that he is solely responsible for his actions while in the Department's custody and to maintain a positive custodial adjustment.

With regard to the grievant's appeal, CORC notes that the investigation was conducted in accordance with Directive #4040 and that he has since been transferred.

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11A1352 C. Girord SHU-25

| . May Corrections and  | GH-85230-17                           | Desig./Code<br>1/22 | Date Filed 1/4/17      |
|--|---------------------------------------|---------------------|------------------------|
| Corrections and Store Community Supervision                          | Associated Crises                     | · .                 | Hearing Date<br>8/1/18 |
| AMEREW M. GUOMO ANTHONY J. ANNUCCI<br>Geographic Acting Commissionar | Facility Green Haven Correction       | nal Facility        |                        |
| INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE             | Tille of Grievance<br>Change Provider |                     | , .                    |

### **GRIEVANT'S REQUEST UNANIMOUSLY ACCEPTED IN PART**

Upon a full hearing of the facts and circumstances presented in the instant case, and upon recommendation of the Division of Health Services, the action requested herein is accepted in part.

CORC notes that the grievant's complaint has been reviewed by the Division of Health Services' staff who advise that a complete investigation was conducted and that the grievant is receiving appropriate treatment. CORC asserts that he is not entitled to be seen by the health care provider of his choice.

It is noted that GH-84217-16 was answered by CORC on 2/7/18.

CORC recommends that the grievant address any further medical concerns to medical staff via established sick call procedures.

| HLK/ | ·     |         |      |
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